

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00088

MARK CANTRELL

O R D E R

Upon defendant's Motion to Continue, filed by his counsel, Mark L. French, on August 16, 2010, requesting an order continuing the trial scheduled for August 16, 2010<sup>1</sup>, for a period of 30 days inasmuch as the defendant has been named as a defendant in the Third Superseding Indictment filed on August 11, 2010, in the case of United States v. Joseph Cleveland Ferrell, et al., Criminal No. 2:09-00137 and more time is needed in which to receive and review discovery regarding the new charges in order to determine the appropriate steps to take with regard to each case; and the United States, by Hunter P. Smith, Jr., Assistant United States Attorney, having no objection as related to the court's

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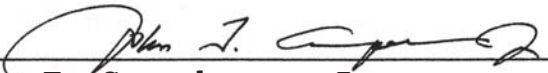
<sup>1</sup> Upon motion of the defendant, the court set a plea hearing for 9:30 a.m. on August 17, 2010, by order entered on August 3, 2010. It is ORDERED that the plea hearing be, and it hereby is, continued generally.

clerk; it is ORDERED that the motion be, and it hereby is, granted and the trial in this action is continued until 9:30 a.m. on September 13, 2010.

Pursuant to 18 U.S.C. §§ 3161(h)(1)(B), (h)(7)(A) and (h)(7)(B)(iv), and in view of the defendant's recent indictment in Criminal No. 2:09-00137, the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial within the time limits established by the Speedy Trial Act, taking into account the exercise of due diligence. Accordingly, the period of delay from August 16, 2010, until September 13, 2010, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 17, 2010

  
John T. Copenhaver, Jr.

2 United States District Judge

